

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ABIGAIL ISBELL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURIE ISBELL,

Respondent-Appellant.

UNPUBLISHED

August 15, 2006

No. 267008

Kent Circuit Court

Family Division

LC No. 04-057219-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err when it found that the statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The termination trial was held more than a year after the minor child had been removed from the care and custody of respondent. After a year of services, respondent had made only minimal progress. The evidence at the termination trial showed that respondent was unable to independently care for the minor child. Respondent had no source of income and relied on her mother and two adult daughters to assist with housing needs. Respondent remained involved with the minor child's father even though she admitted he was a bad influence on her. Respondent admitted a ten-year history of cocaine use. Although she completed an inpatient program, she did not complete the recommended intensive outpatient therapy or relapse prevention program in a timely way and did not show proof of attendance at the twelve-step program meetings as required. Respondent explained that the positive test result for cocaine, which was taken almost eight months after the child was removed from her care and was at a level that indicated almost daily use, was caused by a prescription drug, but she failed to provide a copy of the prescription or the pill bottle. Although she did participate in drug testing through her probation officer, respondent failed to take three of the four tests offered to her by petitioner. Furthermore, the evidence showed that there was a reasonable likelihood that respondent would rely on the minor child to support her needs rather than care for the child, that respondent would continue to be involved with the minor child's father who provided a negative

influence on her, and that she would continue to use drugs, all of which would put the minor child at risk of harm.

The trial court also did not err in its best interests determination. MCL 712A.19b(5). Respondent focused on the proposed solution that the minor child should remain in long-term foster care and that respondent's parental rights should not be terminated. The trial court took into consideration the bond between the minor child and respondent as well as the expressed desires of the minor child. The trial court found that the minor child did not know what she wanted and implied that this reflected the instability that the minor child felt. Moreover, the foster care worker who worked with the minor child did not get the impression that the minor child wanted to go home and felt that the minor child was doing well since she had been removed from respondent's care. The minor child, who was 12 years old, needed permanence, stability, and the opportunity to have a childhood. This outweighed the factors and solutions proposed by respondent.

Affirmed.

/s/ William C. Whitbeck
/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder